

Applicant: Gunther Durhammer
Application Serial No.: 09/522,877
Filing Date: March 10, 2000
Docket No.: 283-4
Page 2

--22. A method as described in Claim 18, wherein the total amount of ethyl cellulose used for both layers of cellulose derivative is at least 1 g/m^2 .--

--23. A method as described in Claim 17, wherein said first layer and second layer of cellulose derivative is applied on opposite sides of said paper.--

--24. A method as described in Claim 17, wherein said first and second layers of cellulose derivative is applied to the same side of said paper.--

REMARKS

The Office Action dated August 21, 2001 and the reference cited therein has been carefully considered. In response to the Office Action, Applicant has added new Claims 20-24 in a sincere effort to further define the present invention to overcome the Examiner's rejections. Applicant respectfully submits that no new matter has been added and that support for the claims can be found within the specification.

A Petition for a Three-Month Extension of Time is enclosed herewith.

Claims 6-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,941,486 to Dube et al. (hereinafter "Dube"). The Office Action states that Dube discloses a cigarette having a wrapper material which has air permeability greater than 50

Applicant: Gunther Durhammer
Application Serial No.: 09/522,877
Filing Date: March 10, 2000
Docket No.: 283-4
Page 3

CORESTA units and that the wrapper is coated with a cellulose derivative such as ethyl cellulose. The Office Action states that Dube discloses that the coating can be applied to both sides of the wrapper (Column 6, Lines 21-28).

The present invention relates to a method of coating cigarette paper to make it water repellant while at the same time allowing the paper to remain air permeable so the smoke flavor in the cigarette is not changed. The present invention uses multiple layers of a cellulose derivative either on the same side of the cigarette paper or on opposite sides of the cigarette paper. In the preferred embodiment, the cellulose derivative that is used is ethyl cellulose as defined in Claims 7, 14 and 21. The ethyl cellulose can either be applied in multiple layers either on one side of the paper or the multiple layers can be applied on opposite sides of the paper as defined in Claims 9, 16 and 23. An advantage of the present invention is that the multiple layers of ethyl cellulose have been found to increase the water repellency of the paper, reduce spotting on the paper, while still maintaining the desired 50 CORESTA units or better of air permeability after the coating has been applied as defined in the claims of the present application. An advantage of using multiple layers of cellulose derivative instead of one thick coating is that a more uniform coating of the cellulose derivative on the paper is created which avoids unwanted holes in the coating that is typically encountered when a single thick coating method is used.

Applicant: Gunther Durhammer
Application Serial No.: 09/522,877
Filing Date: March 10, 2000
Docket No.: 283-4
Page 4

Dube discloses a cigarette having a flavor precursor impregnated on the wrapping material to alter the aroma of the side stream smoke of the cigarette when it is not being smoked by the user. The flavor precursor can be attached to the wrapping material with ethyl cellulose as disclosed in Column 3, Lines 6-10. Dube discloses that the flavor precursor can be applied in a mixture of ethyl cellulose to either the inside surface or the outside surface of the wrapper as disclosed in Column 6, Lines 21-28 and Column 6, Lines 31-32.

Applicant respectfully submits that Dube does not teach or suggest using ethyl cellulose as a water resistant layer to decrease spotting on the wrapper. Specifically, Dube is directed to a flavor precursor and uses ethyl cellulose as an adhesive to hold the flavor precursor to the paper. Dube is not concerned with the uniform coating of the paper, as in the present application, to make the paper repellant to water as defined in Claim 6. Furthermore, Dube does not teach or suggest that multiple layers of ethyl cellulose are to be used nor does it disclose that multiple layers of flavor precursor are to be used on the paper as defined in Claims 6 and 13. To the contrary, the present defines using a cellulose derivative in multiple layers to further increase the water repellency of the paper and produces the unexpected results of reduced spotting tendency to only 56 points as disclosed in the specification on Page 3, Lines 20-22.

Applicant further submits that the Dube reference does not teach or suggest that the quantity of cellulose derivative which is used in multiple layers in total is 1 g/m^2 as defined in

Applicant: Gunther Durhammer
Application Serial No.: 09/522,877
Filing Date: March 10, 2000
Docket No.: 283-4
Page 5

Claims 10, 17 and 22 in the present application. The Dube reference only discloses that the flavor precursor can be applied in amounts of .1% to 10%, but does not disclose any amount of cellulose derivative which should be used to optimize water repellency as in the present invention.

An advantage of using at least 1 g/m² of the cellulose derivative is the desired results of increased water impregnability is realized with this amount while still maintaining the required 50 CORESTA units or greater of air permeability.

Finally, Dube discloses only applying the flavor precursor to either side of the cigarette paper and does not disclose using multiple layers of the flavor precursor or the cellulose derivative on one side or on both sides of the same time as defined in Claims 9, 13, 16 and 23 of the present application.


Applicant respectfully submits that Claims 6-19 and those claims depending therefrom patentably distinguish over the reference of record.

Applicant has enclosed a check to cover the required fee for the Petition for a Three-Month Extension of Time. No other fees are deemed necessary, if however additional fees are necessary please charge deposit account number 08-2461.

Applicant: Gunther Durhammer
Application Serial No.: 09/522,877
Filing Date: March 10, 2000
Docket No.: 283-4
Page 6

A Notice of Allowance is respectfully requested for Claims 6-24 in view of the amendment to the claims as well as the remarks set forth above. Applicant respectfully believes that the present application is in all respects in condition for allowance, which action is earnestly solicited.

Respectfully submitted,


Justin K. Holmes
Registration No.: 42,666
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
JKH:mak:kd

148817_1